

REMARKS

Claims 118, 137, and 155 have been cancelled.

Claims 162-167 have been added.

Accordingly, claims 107-117, 119-136, 138-154, and 156-167 are now pending.

Claim Rejections under 35 U.S.C. § 102

Claims 107-110, 112, 115, 116, 121-129, 131, 134, 135, 140-147, 149, 152, 153, and 158-161 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,436,830, issued to Zaltman [*hereinafter Zaltman*].

This rejection is understood to be based at least in part on the premise that Zaltman discloses:

Presenting a sensory stimulus representation through a computer system to a plurality of customers, the sensory stimulus representation embodying one or more sensory cues that influence human behavior;

Inputting by the customer into the computer system classification information representing a response elicited in the customers in response to the one or more sensory cues presented to the customers;

Aggregating the classification information input by the customers to derive aggregated classification information representative of customer perceptions; and

Correlating the aggregated classification information with the one or more sensory cues using the computer system;

Whereby the computer system infers, as a function of a correlation of the aggregated classification information and the one or more sensory cues, a relationship

between the sensory stimulus representations and the customer perceptions that is potentially not discernable to a human researcher.

Applicant respectfully traverses the rejection. Claim 107, as amended, recites inputting by respondents classification information, that “[locates] the sensory stimulus representation on at least one dimensional axis representing a range between a desired respondent perception and a differentiated respondent perception conceptually related to the desired respondent perception.” *Zaltman* neither discloses nor suggests the inputting of this type of classification information by respondents. By contrast, the system in *Zaltman* receives input relating, for example, to a picture that is most representative of a research topic. See *Zaltman* at col. 3, lines 21-24. The system in *Zaltman* also receives input “using sensory metaphors” to describe “what a company and/or key people . . . think of them.” See *Zaltman* at col. 3, lines 32-38. This input is collected in the form of a digital recording of the customer’s voice. See *Zaltman* at col. 5, lines 9-12.

Accordingly, Applicant respectfully submits that the input collected by the system described in *Zaltman* does not locate the actual respondent perception on at least one dimensional axis representing a range between a desired respondent perception and a differentiated respondent perception conceptually related to the desired respondent perception, as recited in claim 107. Thus, claim 107 is not anticipated by *Zaltman*. Claims 125 and 144 recite similar features that are not disclosed or suggested by *Zaltman* and are also not anticipated by *Zaltman*.

Further, as recited in claims 107, 125, and 144, the sensory stimulus representations are presented to a plurality of respondents having a statistically significant sample size. By contrast, the sample size in *Zaltman* is not statistically significant, but is rather significantly smaller, as evidenced by the type of information that is collected from the respondents.

For at least these reasons, Applicant respectfully requests that the rejection of claims 107, 125, and 144 under 35 U.S.C. § 102(b) be withdrawn. Claims 108-110, 112, 115, 116, 121-124, 126-129, 131, 134, 135, 140-143, 145-147, 149, 152, 153, and 158-161 each depend from one of the independent base claims 107, 125, or 144 and incorporate all of the limitations recited in the independent base claim and any intervening dependent claims from which they depend. Accordingly, Applicant respectfully requests removal of the rejection of claims 108-110, 112, 115, 116, 121-124, 126-129, 131, 134, 135, 140-143, 145-147, 149, 152, 153, and 158-161 under 35 U.S.C. § 102(b).

Claim Rejections under 35 U.S.C. § 103

Claims 111, 113, 114, 130, 132-133, 148, 150, and 151 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Zaltman* in view of U.S. Patent No. 5,424,945, issued to Bell [*hereinafter Bell*].

Applicant respectfully traverses the rejection. Claim 107, as amended, recites inputting by respondents classification information, that “[locates] the sensory stimulus representation on at least one dimensional axis representing a range between a desired

respondent perception and a differentiated respondent perception conceptually related to the desired respondent perception.” *Zaltman* neither discloses nor suggests the inputting of this type of classification information by respondents.

Further, *Bell* neither discloses nor suggests the inputting of this type of classification information by respondents. By contrast, the information described in *Bell* relates strictly to the physical arrangement of a document. For example, as stated at col. 16, lines 28-46, the system described in *Bell*

evaluates the psychological effect of a document by means of a “point-score” system. *As used herein, the term “point-score” shall mean a system in which a series of objective descriptions of the appearance of the document (as opposed to the purpose thereof) are collectively taken into account to yield a set of facts, or “point-scores,” about the appearance of the document.* Such point-scores may be simple binary determinations (e.g., “Is the document in black or white?”; “Are non-textual decorative devices used?”) or more sophisticated numerical indices (e.g., “What proportion of the text is of a type size more than double the smallest type size?”; “What proportion of the text is on one side of the horizontal axis?”). The point-scores, being a set of numbers, can then be applied as needed into one or more algorithms

for evaluating one or more psychological effects of the
document. (emphasis added)

As demonstrated by the above excerpt, *Bell* restricts the definition of “point-scores” to objective descriptions of the appearance of the document, thereby excluding respondent perceptions from the definition of “point-scores.” Thus, *Bell* does not disclose collecting classification information that locates “the sensory stimulus representation on at least one dimensional axis representing a range between a desired respondent perception and a differentiated respondent perception conceptually related to the desired respondent perception,” as recited in claims 107, 125, and 144.

Accordingly, neither *Zaltman* nor *Bell* discloses or suggests the use of classification information that locates a sensory stimulus representation on at least one dimensional axis representing a range between a desired respondent perception and a differentiated respondent perception conceptually related to the desired respondent perception, whether considered singly or in combination.

For at least these reasons, claims 111, 113, 114, 130, 132-133, 148, 150, and 151 are patentably distinct from *Zaltman* in view of *Bell*. Applicant respectfully requests that the rejection of claims 111, 113, 114, 130, 132-133, 148, 150, and 151 under 35 U.S.C. § 103(a) be withdrawn.

Claims 117, 119, 120, 136, 138, 139, 154, 156, and 157 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Zaltman* in view of *Bell* and further in view of U.S. Patent No. 5,041,972, issued to Frost [*hereinafter Frost*].

Applicant respectfully traverses the rejection. Claim 107, as amended, recites inputting by respondents classification information, that “[locates] the sensory stimulus representation on at least one dimensional axis representing a range between a desired respondent perception and a differentiated respondent perception conceptually related to the desired respondent perception.” As discussed more fully above, *Zaltman* and *Bell* neither disclose nor suggest the inputting of this type of classification information by respondents, considered singly or in combination.

In addition, *Frost* neither discloses nor suggests the inputting of classification information that locates a sensory stimulus representation on at least one dimensional axis representing a range between a desired respondent perception and a differentiated respondent perception conceptually related to the desired respondent perception. As illustrated in Figures 1-3 of *Frost*, the information collected by the system disclosed in *Frost* describes the extent to which respondents associate a product with a single attribute, rather than a desired respondent perception and a differentiated respondent perception conceptually related to the desired respondent perception.

For at least these reasons, claims 117, 119, 120, 136, 138, 139, 154, 156, and 157 are patentably distinct from *Zaltman* in view of *Bell* and further in view of *Frost*. Applicant respectfully requests that the rejection of claims 117, 119, 120, 136, 138, 139, 154, 156, and 157 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

For the reasons discussed above and more fully outlined in the original specification, Applicant respectfully submits that the pending claims are in condition for allowance and respectfully requests reconsideration and withdrawal of all rejections.

The amendments to the claims presented above are believed to place the application in condition for allowance. Applicant respectfully requests a timely Notice of Allowance.

Respectfully submitted,
for the Applicant
by attorneys,

MOORE, HANSEN & SUMNER
Customer No. 22,854
225 South Sixth Street
Suite 4850
Minneapolis, Minnesota 55402
(612) 332-8200

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By: 

Allen J. Oh, Registration No. 42,047